

### **REMARKS/ARGUMENTS**

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action. The Applicant also encloses herewith an Information Disclosure Statement listing cited documents relating to this application.

#### ***Claim Rejections – 35 USC §103***

The Applicant respectfully submits that claim 1 is non-obvious over Ackley (USPN 6,152,370) in view of Ehrhart *et al.* (USPN 6,304,660), and LaGrange *et al.* (USPN 5,914,705).

Claim 1 of the present application describes a sensing device having an attachment arrangement adapted to facilitate attachment and detachment of the device to and from a writing implement, wherein the writing implement includes a nib, the sensing device being adapted to sense coded data at least when the nib is in contact with the surface.

The Examiner has indicated that Ackley and Ehrhart do not teach "an attachment arrangement adapted to facilitate attachment and detachment of the device to aid from a writing implement having a nib, the sensing device being adapted to sense coded data at least when the nib is in contact with the surface". The Examiner has indicated that LeGrange shows "a stylus in an actuated position, and a stylus with a cover disposed over the stylus tip", where the cover is a "foam cover (60) slipped over the stylus tip (40)", and amplifies capacitive disturbances, which are sensed by the touch pad 30.

The Applicant respectfully submits that whilst we understand that LaGrange describes a cover that may be disposed over the stylus tip, in this particular instance when the cover is attached, it is not clear from the Examiner's comments whether the Examiner asserts that the cover 60 is the "nib" of the stylus or whether the stylus tip 40 is the "nib". Thus, there are two potential interpretations of the prior art.

Accordingly, if the cover 60 is the analogous to the nib of the present invention, then LaGrange only describes a nib, and not an additional device which can be attached to sense

coded data. If the tip 40 is the nib and the cover 60 is the device, then the tip 40 does not come into contact with the surface, as required by claim 1. Thus, LaGrange does not teach or suggest a writing implement, including a nib, the sensing device being adapted to sense coded data at least when the nib is in contact with the surface.

Additionally, the cover 60 as shown by LeGrange only amplifies capacitive disturbance, and does not therefore sense coded data. Therefore the cover 60 is not a device adapted to sense coded data.

Thus, LaGrange does not describe an attachment arrangement adapted to facilitate attachment and detachment of the device to and from a writing implement having a nib, the sensing device being adapted to sense coded data at least when the nib is in contact with the surface.

Thus, as previously stated, the arrangement of claim 1 provides a major advantage over the cited prior art in that it allows a user to use their own standard writing implement and use this, together with the device, to detect the coded data provided on a page. This cannot be achieved by the cited art.

Furthermore, the Applicant submits that LaGrange describes a stylus, wherein the stylus "creates a capacitive disturbance sufficient for circuitry in the touch pad to measure as crossing a first predefined capacitive disturbance threshold when the foam covered conductive stylus tip is brought in contact with the surface of the touch pad" (abstract). In contrast, Ackley and Ehrhart relate to detecting coded data, with an input pen which does not perform any detection itself. Thus, there is no teaching, suggestion or motivation for a person skilled in the art to combine Ackley and Ehrhart with LaGrange.

Hence, claim 1 is not obvious in view of the cited prior art.

### ***Double Patenting***

With respect to the Double Patenting rejection, the Applicant submits a Terminal Disclaimer (enclosed) under 37 (CFR 1.321(c), in order to overcome the rejection under the judicially created doctrine of obviousness-type Double Patenting in view of US Patent No. 6,737,591.

### CONCLUSION

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 and 3 to 14, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

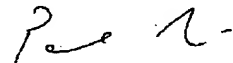
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